2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper submitted by Belgium, Lithuania, the Netherlands, Norway, Poland, Spain and Turkey for consideration at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

I. Introduction

1. We are determined to uphold the viability of the Treaty on the Non-Proliferation of Nuclear Weapons and its central role in the international non-proliferation regime, the pursuit of nuclear disarmament with the objective of achieving a world free of nuclear weapons and the peaceful use of the atom.

2. We are convinced that there are several reasons why the international community should make sure that the 2010 Review Conference will be successful in the sense that new concrete measures are agreed upon to strengthen the Non-Proliferation Treaty regime. These reasons include the following:

- We are resolved to build upon the momentum that was created by the high-level Security Council meeting leading to the adoption of Council resolution 1887 (2009), the signing of a new START agreement between the United States of America and the Russian Federation, the United States Nuclear Posture Review and the Nuclear Security Summit. We believe this momentum needs to be reflected in all areas of the Treaty.
- The greater interest in nuclear energy poses new challenges, in particular if States were not to comply with the international non-proliferation commitments, including the current verification standard, and were not to uphold the highest level of nuclear safety and security.
- In view of this we are committed to further strengthen the Non-Proliferation Treaty regime and will work hard towards common agreement for a forward-looking agenda for the coming review cycle in order to promote the full implementation of all provisions of the Treaty. The present paper is meant to contribute to these efforts.

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disarmament, to which all States parties are committed under article VI of the Treaty, is one of the major achievements of the Treaty process. This undertaking must now become operational, building also on article VI and the 13 practical steps for nuclear disarmament agreed upon in 2000.

(a) We welcome the steps the two major nuclear-weapon States have taken so far to reduce their nuclear arsenals through the signing of the new START agreement. We recall the importance of the principles of irreversibility, verifiability and transparency.

(b) We call upon the United States of America and the Russian Federation to hold further disarmament negotiations, as soon as possible, aimed at further reducing their nuclear arsenals, including non-strategic nuclear weapons, as a concrete step towards their elimination.

(c) We also call upon all nuclear-weapon States to engage in a similar nuclear disarmament process in conformity with their Non-Proliferation Treaty obligations. We stress the need for policies and strategies of States parties to be consistent with these processes.

(d) We also call upon all nuclear-weapon States to pursue a policy of further downgrading the role of nuclear weapons in their security strategies and military doctrines. It will pave the way for and facilitate the total elimination of nuclear weapons, as foreseen under the Treaty.

(e) We maintain a long-standing commitment to arms control, disarmament and non-proliferation as an integral part of our overall security policy. Treaty implementation in the broader political context is critical to our work to enhance stability and security by lowering arms levels and increasing military transparency and mutual confidence.

(f) We encourage States that possess nuclear weapons to publish their respective holdings of those weapons, both active and in reserve.

(g) Recognizing that progress has been made with regard to the commitments of the 2000 Review Conference on concrete measures to reduce the operational status of nuclear-weapon systems, we call for further progress in this area.

(h) We welcome initiatives and renewed efforts by nuclear-weapon States to place nuclear material no longer required for military purposes under the IAEA verification regime and encourage further progress in this area.

III. Nuclear non-proliferation

(i) Nuclear non-proliferation is essential for maintaining peace and security. Non-proliferation is a precondition for achieving the goal of a world free of nuclear weapons. Current and continued challenges to the international non-proliferation regime and their security risks for the international community as a whole, it is imperative to strengthen the non-proliferation dimension of the Treaty.

(j) We recognize that IAEA is the sole multilateral body for administering international safeguards.

(b) We consider the IAEA comprehensive safeguards agreements and the Additional Protocol to constitute the current verification standard and call upon all States parties which have not done so to ratify and implement these vital instruments without delay.

(c) The entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) will form an integral part of a strengthened and more credible non-proliferation regime. We urge all States which have not yet done so to swiftly sign and ratify CTBT. A special responsibility in this endeavour lies with the annex 2 States.

(d) Commencing without any further procedural delay negotiations on an internationally and effectively verifiable fissile material cut-off treaty, and reaching agreement on such a treaty, will offer a vital contribution to the global non-proliferation architecture. Pending such agreement, we call for an immediate moratorium on the production of fissile material for nuclear weapons.

(e) The Security Council, in its resolution 1540 (2004), calls upon all States members of the United Nations to establish and enforce effective domestic legislation to prevent the proliferation of material and technology for the manufacture of weapons of mass destruction and their means of delivery. We firmly urge all States to implement resolution 1540 (2004) and the subsequent resolutions of the Council in good faith.

(f) Export controls play a crucial role in the implementation of the non-proliferation obligations of States parties. We welcome increased transparency between export control mechanisms and their contribution to international export control cooperation.

(g) Universal approaches can be usefully complemented by cooperative efforts and initiatives, such as the Proliferation Security Initiative, the Global Partnership against the Spread of Weapons of Mass Destruction and the Global Initiative to Combat Nuclear Terrorism, as well as regional fora for action towards the implementation of non-proliferation obligations.

IX. Peaceful uses of nuclear energy

1. In accordance with article IV of the Treaty and article II of the statute of IAEA, we reaffirm our support for the inalienable right of all parties to the Treaty to develop research, produce and use nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty.

2. A significant number of States have expressed an interest in obtaining the benefits of nuclear power, while several more are expanding their existing nuclear programmes. Additional peaceful applications of nuclear energy in the areas of health, agriculture, environmental protection and industry are also being used and discovered. In the light of this growing interest in the peaceful applications of nuclear energy, we are convinced that States parties must also address serious proliferation and non-compliance challenges. In managing nuclear power programmes, Governments should seek to ensure the maximum appropriate transparency. Thus, we reconfirm the value of the Treaty and the need to preserve the balance between the pillars of the Treaty, and between its rights and obligations.

(a) We recognize the importance for the international non-proliferation regime of promoting a global nuclear, radiation and waste safety culture and the need for measures to improve nuclear security. We welcome the important role played by IAEA in this field, through its various programmes and initiatives.

(b) We underline and support the role of IAEA in assisting developing countries in the peaceful use of nuclear energy and applications in the areas of health, agriculture, environmental protection and industry through the development of effective programmes aimed at improving their scientific, technological and regulatory capabilities. IAEA technical cooperation programmes also play a relevant role in assuring the peaceful use of nuclear energy and reducing the associated proliferation risks.

(c) We believe that the national implementation not only of a comprehensive safeguards agreement but also of the IAEA Additional Protocol, based on the model text of INFCIRC/540 (Corrected), which is a fundamental component and instrument of the international regime against nuclear proliferation, provides credible assurances about the non-diversion of nuclear materials as well as the absence of undeclared nuclear materials and activities.

(d) We believe that the development of multilateral nuclear fuel supply mechanisms can have a particular relevance for the global nuclear non-proliferation regime by ensuring that nuclear fuel cycles will be exclusively used for peaceful purposes. They are cost-effective on the economic side and respond to the needs of States related to the growing interest in nuclear energy. The impartiality of IAEA is a key factor in giving credibility to, and raising the profile of, multilateral nuclear fuel supply mechanisms. We call upon all States to deepen the discussion on setting up an international nuclear fuel bank under the auspices of IAEA.

V. Negative security assurances and nuclear-weapon-free zones

(a) Legally binding negative security assurances enhance international peace and security, and contribute to consolidating the non-proliferation regime. Regional nuclear-weapon-free zones established on the basis of 1999 guidelines of the United Nations Disarmament Commission provide an important tool to advance the implementation of the Treaty.

(b) We are convinced that legally binding security assurances provided by the five nuclear-weapon States to the non-nuclear-weapon States would strengthen the nuclear non-proliferation regime and we advocate the commencement of negotiations to that end. Pending legally binding assurances, we call upon all nuclear-weapon States to further strengthen their unilateral security assurances. We welcome the statement on the negative security assurances made by the United States of America in the framework of the Nuclear Posture Review and see it as a step towards strengthened security assurances within the Non-Proliferation Treaty.

(c) In the context of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, we attach great importance to the development of internationally recognized nuclear-weapon-free zones, as elaborated in the guidelines adopted by the Disarmament Commission at its substantive session in 1999. Implementing nuclear-weapon-free zones is a way of enhancing negative security assurances at a regional basis and contributes to the

strengthening of the Treaty, as it facilitates the process of the total elimination of nuclear weapons.

16. We welcome recent progress in the establishment of regional nuclear-weapon-free zones. We remain committed to the establishment of a zone free of nuclear weapons and other weapons of mass destruction and their means of delivery in the Middle East and call for concrete steps to be taken to this end. We support convening an international conference on this topic.

VI. Nuclear terrorism and illicit trafficking in nuclear material

17. Nuclear terrorism and illicit trafficking in nuclear material represent considerable security threats that need to be adequately addressed also at the international level. We recall that a key objective of Security Council resolution 1540 (2004) is to prevent non-State actors from acquiring nuclear weapons as well as relevant nuclear materials and technologies. We call for a comprehensive and mutually reinforcing approach, using all available means:

(a) International Convention for the Suppression of Acts of Nuclear Terrorism;

(b) IAEA, including the nuclear security programme, the amended Convention on the Physical Protection of Nuclear Material and the Code of Conduct on the Safety and Security of Radioactive Sources;

(c) Global Initiative to Combat Nuclear Terrorism;

(d) Proliferation Security Initiative;

(e) Voluntary efforts, where appropriate, by States to convert their civilian nuclear research reactors from using highly enriched uranium (HEU) to low enriched uranium (LEU) when technically and economically feasible.

VII. Nuclear Security Summit

18. We welcome the Nuclear Security Summit and the adoption of the Communiqué and Work Plan, and supports the overall objective to secure all vulnerable nuclear material within four years. The Summit has laid the groundwork for further action in this field and the follow-up in 2012 is important.

VIII. Strengthening the consultative mechanism for the Treaty on the Non-Proliferation of Nuclear Weapons

19. The Treaty on the Non-Proliferation of Nuclear Weapons is a cornerstone of the international nuclear non-proliferation and disarmament regime. Mindful of the 1995 decision on strengthening the Treaty review process, the Treaty warrants a substantial and continuous follow-up.

(a) We welcome the further development of a consultative mechanism for the Treaty and are ready for consideration and the working out of options for an

institutional framework, which would provide States parties with the ability to react adequately and in a timely manner to developments and challenges.

(b) While fully recognizing the primary responsibility of the Security Council for the maintenance of international peace and security, States parties should urgently consult upon receipt of a notification by a State party of its intention to withdraw from the Treaty. In this context, we reaffirm the view that a State remains responsible under international law for the violations of the Treaty committed prior to its withdrawal;

(c) We call upon all States parties to actively use the Treaty meetings, including through regular reporting, and to contribute to this process by increasing transparency and accountability;

(d) We welcome the contribution of civil society in promoting the principles and objectives of the Treaty. The 2010 Review Conference should acknowledge this indispensable contribution and look for more effective interaction.

IX. Securing a positive and forward-looking outcome of the NPT 2010 Review Conference

20. We call for the adoption of a comprehensive and balanced final document, which reaffirms the overall objective of a safer world without nuclear weapons. We call for the adoption of a concrete programme of work up to 2015 covering the three pillars of the Treaty. Such a programme of work should identify benchmarks holding States parties accountable for their implementation.